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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,341	01/25/2002	Tsuneo Sakamoto	1921-0138P	7170
2292	7590	04/05/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			LE, JOHN H	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/055,341

Applicant(s)

SAKAMOTO ET AL.

Examiner

John H Le

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is in response to applicant's amendment received on 02/18/2003.

Claim 13 has been amended.

Claims 17-20 have been added.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16, drawn to a method and system for substantially reducing personnel and human error during required periodic inspections of thermal equipment, classified in class 702, subclass 188.
 - II. Claims 17-20, drawn to a method and device for inspecting thermal equipment, classified in class 702, subclass 187.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method and system for substantially reducing personnel and human error during required periodic inspections of thermal equipment of group I does not required a portion of the report data being output at the remote facility site to display to a user of group II and a device and method for inspecting thermal equipment of group II does not required a communication line for connecting the facility site and the management center to each other; a facility-side modem interposed between the operating-state

Art Unit: 2863

information collecting device and the communication line; and a management center-side modem interposed between the information processing device and the communication line of group II. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. During a telephone conversation with Attorney Clint A. Gerdine on 03/30/2004 a provisional election was made without traverse to prosecute the invention of group I, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2863

6. Claims 1, 10, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (US 2002/0038200 A1) in view of Shirata et al. (USP 5,321,629).

Regarding claims 1 and 13, Shimizu et al. teach a method for inspecting thermal equipment (Abstract), comprising the steps of:

fetching information related to operating state of thermal equipment via a communication line 8 into an information processing device 31 provided at a management center (maintenance service provider) connected via the communication line 8 to monitor 33 which is equipped with the thermal equipment and which is under a specified contract for the thermal equipment (e.g. Fig.1, [0033], [0039]-[0042]);

making the information processing device execute creation of report data for use of inspection recording related to an inspection of the thermal equipment as well as delivery of the created report data (e.g. [0038], [0045]) to the monitor 33; and

outputting from an output device a report based on the report data delivered from the information-processing device at the monitor 33 (e.g. [0038], Abstract).

Regarding claims 10 and 15, Shimizu et al. teach in event of occurrence of an abnormality of the thermal equipment, abnormality information on the thermal equipment is fetched into the information processing device, and the fetched abnormality information is included in the report data (e.g. [0008], [0051]-[0053], [0070]).

Shimizu et al. fail to teach the facility site for receiving report data from the information related to the operating state of thermal equipment.

Art Unit: 2863

Shirata et al. teach the facility site for receiving report data from the information related to the operating state of thermal equipment (e.g. Col.2, lines 53-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform the facility site for receiving report data from the information related to the operating state of thermal equipment as taught by Shirata et al. in a thermal power plant maintenance system of Shimizu et al. for purpose of providing a facility inspection support apparatus capable of deriving an optimum inspection item for a given object of patrol inspection and for automatically setting an efficient patrol inspection route (Shirata et al., Col.2, lines 7-11).

7. Claims 2-9, 11-12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu et al. (US 2002/0038200 A1) in view of Shirata et al. (USP 5,321,629) as applied to claims 1 and 13 above, and further in view of Summers et al. (USP 3,855,456).

Regarding claims 2, 4, 6, and 8, the combination of Shimizu et al. and Shirata et al. discussed supra, discloses the claimed invention except the information related to the operating state of the thermal equipment occurs at a specified time point.

Summers et al. teach the information related to the operating state of the thermal equipment occurs at a specified time point (e.g. Col.10, lines 49-55, Col.16, lines 47-60, Col.20, lines 38-55, Col.23, lines 54-57).

Regarding claims 3, 5, 7, 9, 11, 12, 14, and 16, Summers et al. teach the step of storing the report data is stored in a data storage device at each time during a creation of the report data (e.g. Col.9, lines 13-40), executing by the information processing

Art Unit: 2863

device a creation of a total report data for the specified period at which the stored report data is to be totaled (e.g. Col.9, lines 40-65), and outputting a total report of the specified period based on the total report data delivered from the information processing device from the output device (e.g. Col.11, lines 1-4, lines 44-46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform the information related to the operating state of the thermal equipment occurs at a specified time point as taught by Summers et al. in a thermal power plant maintenance system of Shimizu et al. in view of Shirata et al. for purpose of providing a monitor and results computer system which is both practical and efficient from the standpoint of computer storage cost, processing time and outputting (Summers et al., Col.3, lines 35-38).

Response to Arguments

8. Applicant's arguments filed 02/18/2003 have been fully considered but they are not persuasive.

-Applicant argues that the primary reference being asserted, does not constitute a proper 102(e)/103 reference since the 102(e) date for Shimizu its filing date, February 27, 2001, which comes after the earliest priority date for the current application, January 25, 2001.

-Examiner response: the effective filling date is the foreign priority date if meeting all of the requirement for a claim for priority and a sworn English translation is submitted perfects the date. Please submit a sworn English translation to overcome the rejection above.

Art Unit: 2863

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H Le whose telephone number is 571-272-2275. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

March 30, 2004



John Harlow
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Technology Center 2800